



May 14, 2021

To whom it may concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility ("PEER") requests certain documents from the U.S. Environmental Protection Agency ("EPA"). Specifically, we request:

- All email subject lines between Deputy Director of the Office of Pollution Prevention & Toxics Tala Henry and EPA Biologist Keith Salazar dated between January 1, 2018 and December 31, 2020.

This request includes all final documents that have ever been within the agency's custody or control, whether they exist in agency "working," investigative, retired, electronic mail, or other files currently or at any other time. All electronic records should be delivered in their original file format with metadata and any attachments included. Physical records should be scanned or otherwise converted into electronic format.

For electronic records, please provide all records in their native file formats (i.e. not converted to PDF) with all metadata included, and for records such as emails which have files embedded or attached, please provide all attachments in their native formats. For instant messages, plain text is acceptable consistent with guidance issued by the National Archives and Records Administration.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of *Vaughn v. Rosen* (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

### **Fee Waiver Request**

PEER requests that all fees be waived because "disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor" (5 U.S.C. 552 (a)(4)(A)):

1. The records concern the operations or activities of the Government.

The FOIA request is, by its terms, limited to identifiable activities of EPA, specifically email subject lines made by EPA employees.

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2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.

The requested material consists of email subject lines made by EPA employees. As such, the requested records are the most meaningful documents that could be requested on this topic and will contribute to the understanding of any conflicts of interest.

3. The release of these requested records will contribute significantly to public understanding of the governmental activities.

The nature of the information should allow the public to see information about EPA employee work hours. The general public has a keen interest in any factor bearing on potential issues of EPA employees working outside approved hours.

PEER intends to provide the requested information to the general public through —

~ Release to the news media;

~ Posting on PEER's web page which draws between 1,000 and 10,000 viewers per day; and

~ Publication in PEER's newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

As the Agency well knows from past direct experience, PEER has a long track record of attracting media and public attention to the internal records of federal agencies. Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, extensive media coverage of EPA's actions underlines the broad public interest in this material. Moreover, PEER believes that EPA also considers this information is of interest to the general public.

4. Disclosure would not serve a commercial interest of the requestor.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue code.

If in the process of conducting a search for records responsive to this request it appears that a large quantity of irrelevant material is being included or further relevant material may not be captured by the specific terms of the request, or any other concerns related to the timeliness or completeness of the response arise, please contact the undersigned at [mmercola@peer.org](mailto:mmercola@peer.org) or Kevin Bell at [kbell@peer.org](mailto:kbell@peer.org).

If you have any questions about this FOIA request, please contact me at (202) 265-4187 or [mmercola@peer.org](mailto:mmercola@peer.org). I look forward to receiving the agencies final response within 20 working days.

Cordially,

Monica I. Mercola

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